

ENTERED

February 23, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JACOB ARNOLD GONZALEZ,

Petitioner,

VS.

DIRECTOR TDCJ - CID,

Respondent.

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Civil Case No. 2:21-CV-00283

ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION

Petitioner Jacob Arnold Gonzalez is a state prisoner who, pursuant to a plea agreement, was sentenced to life imprisonment without parole for capital murder. Gonzalez previously appealed his conviction and filed a state habeas petition, both to no avail. On October 27, 2021, Gonzalez filed this federal habeas action.

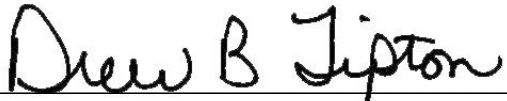
Pending before the Court is the April 20, 2022 Memorandum and Recommendation ("M&R") signed by Magistrate Judge Jason B. Libby. (Dkt. No. 19). Magistrate Judge Libby recommends the Court grant the Respondent's Motion for Summary Judgment, (Dkt. No. 18), and dismiss Gonzalez's habeas corpus petition as time barred pursuant to 28 U.S.C. § 2244(d)(1). Magistrate Judge Libby further recommends denying a certificate of appealability.

The Parties were provided proper notice and the opportunity to object to the proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No objections were filed, so review is for plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears. Accordingly, the Court **ACCEPTS** the

M&R as the opinion of the Court. The Court **GRANTS** Respondent's Motion for Summary Judgment and **DISMISSES WITH PREJUDICE** Gonzalez's habeas petition. (Dkt. No. 1). The Court **DENIES** a certificate of appealability. The Clerk is directed to close the case.

It is SO ORDERED.

Signed on February 22, 2023.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE